IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE NASHVILLE DIVISION

)
)
No. 3:08-cv-0550 Judge Haynes
)
Jury Demand
Collective Action
))

AGREED ORDER OF DISMISSAL WITH PREJUDICE

This matter is before the Court upon the joint motion of counsel for the Plaintiffs and Defendants requesting that the Court approve the Settlement Agreement entered into in this case. The Court has considered the previously filed Settlement Agreement which was entered into between the parties after extensive arms length negotiations, which included a judicial settlement conference. Upon the joint motion filed by the parties, the agreement itself, and the record as a whole, the Court finds that the Settlement Agreement should be approved.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the terms of the Settlement Agreement entered into between the parties to this case is approved. The Court further notes that there has been no admission of liability by the Defendants, but that the settlement reflects a fair, reasonable, and appropriate compromise that the Court has determined to be in the best interest of the parties thereto.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that consistent with the Settlement Agreement, this case is hereby dismissed with prejudice with respect to those individuals identified on Exhibit A to the Settlement Agreement, who are parties to that agreement. The Court will retain jurisdiction over the parties to the Settlement Agreement for the purpose of interpretation and compliance with the agreement.

IT IS SO ORDERED this 28 day of April, , 2009.

DISTRICT JUDGE WILLIAM I. NAYNES

APPROVED AND SUBMITTED FOR ENTRY:

/s/ C. Dewey Branstetter, Jr. (w/ permission)
C. DEWEY BRANSTETTER, JR., #9367
Branstetter, Stranch & Jennings, PLLC
227 Second Avenue North
Nashville, TN 37201-1631
Telephone: 615-254-8801
cdbjr@branstetterlaw.com

Attorney for the Defendants

/s/ Charles P. Yezbak, III
Charles P. Yezbak, III #18965
Yezbak Law Offices
2002 Richard Jones Road
Suite B200
Nashville, TN 37215
(615) 250-2000
yezbak@yezbaklaw.com

Attorney for the Plaintiffs